

**MALABAR TOWN COUNCIL REGULAR MEETING
SEPTEMBER 19, 2005 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Chair Bobbi Moccia. The prayer and pledge were led by Council Member Rivet.

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| <u>ROLL CALL:</u> | MAYOR/VICE-CHAIR | TOM ESCHENBERG |
| | CHAIR: | BOBBI MOCCIA |
| | COUNCIL MEMBERS: | FRANK HICKSON, excused |
| | | BRIAN VAIL |
| | | STEVE RIVET |
| | | PAT DEZMAN |
| | ADMINISTRATOR: | ED BOOTH |
| | ATTORNEY: | KARL BOHNE |
| | TOWN CLERK/TREASURER: | SUSAN KABANA |

PUBLIC HEARING:

1. ORDINANCE 2005-03, FIRST READING, 2005/2006 PROPOSED MILLAGE RATE

MOTION: Rivet/Vail to read by title only VOTE: All aye.

Moccia read: ORDINANCE 2005-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE MILLAGE RATE FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2005 THROUGH AND INCLUDING SEPTEMBER 30, 2006.

Moccia opened the public hearing and asked for public comment; there being none she closed the public hearing.

MOTION: Rivet/Vail to approve.

Moccia stated that the proposed millage rate is 1.5994 mills and the final levy of 1.5994 mills will result in a 9.9% increase of the rolled-back rate of 1.4553. The final millage rate of 1.5594 is to fund the expenses for the fiscal year commencing October 1, 2005 and ending September 30, 2006.

VOTE: Aye – Vail, Rivet, Moccia, Dezman.

2. ORDINANCE 2005-04, FIRST READING, 2005/2006 PROPOSED BUDGET

MOTION: Rivet/Vail to read by title only. VOTE: All aye.

Moccia read: ORDINANCE 2005-04

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA ADOPTING THE BUDGET FOR THE TOWN OF MALABAR FOR THE PERIOD FROM OCTOBER 1, 2005 THROUGH AND INCLUDING SEPTEMBER 30, 2006.

Moccia states that the final budget of \$2,191,219.00 is to fund the proposed expenditures from October 1, 2005 through September 30, 2006 and reflects the general operating millage of 1.5994 mills.

Moccia opened the public hearing and asked for public comment, there being none she closed the public hearing.

MOTION: Rivet/Vail to approve.

VOTE: Aye – Vail, Rivet, Moccia, Dezman.

ADDITIONS AND DELETIONS TO AGENDA

Dezman would like to speak under reports, she has two items.

MOTION: Vail/Rivet to approve agenda. VOTE: All aye.

REPORTS:**PAT DEZMAN**

Dezman – her comment at the end of the last meeting may have been misconstrued. Eschenberg did not chair the meeting better than Moccia could have, he was just very clear during the public comments and she appreciated his direction in Moccia's absence.

Dezman – is asking for a change of her physical seat during the meeting. Would like to change seats with Booth. Council agrees.

ATTORNEY

Nothing at this time.

FIRE DEPARTMENT

Fire Chief Joe Gianantonio, Assistant Chief Bob Rowan and Deputy Chief Foley present.

Rowan – overviews the Fire Department status report in detail. The new tanker delivery will be delayed two to four weeks. Deputy Chief Foley will have his Fire Inspector license soon then we will have in-house inspections.

Rowan – is very concerned about the response time for Brook Hollow. It is usually over 10 minutes which is too long. Would like to consider the road from Malabar Road.

Foley – notes that the gate at Stillwater opens at the sound of the siren. Dezman – will contact the President of the Brook Hollow Homeowners Association and attend the meeting with the firefighters when the association discusses this.

Rowan – had to send in new rating paperwork, he could not give all the information requested because of lost or ruined paperwork. Our rate may be downgraded. Council is concerned that insurance rates may increase. Booth – feels this will not be the case.

Rowan – Palm Bay was going to donate 25 800mzh radios and now they are not. Booth – has not talked to them regarding this, he will make contact. Foley – our radios will be re-banned. Some may be replaced.

Chief – we are revamping our hurricane preparedness program.

Vail – would like to know if draft hydrants would lower our insurance rates, wants the Fire Department to investigate this.

Dezman – regarding damaged paperwork, she wants to make sure all information is now electronic. Rowan – it is.

ADMINISTRATOR

- Booth – is working with Public Works while Beatty is on vacation. Notes that they have cleaned all the ditches on Homestead, they have done all they could to help the gentleman who lives there.

- Booth – the developer has the permit required to begin work along US1, DOT was the hold-up.

- Booth – staff will be asking for an exception to the zoning for local shelter, they are wanting to expand. Bohne – that cannot be done, it must be a comp plan change. Booth – will work this as a comp plan change.

- Booth – we had an auction this past Saturday and sold much of what was for sale.

CLERK

Candidate qualifying ends this Friday. The seats up for election are District 4 and District 5. Three qualifying packets have been picked up.

DISCUSSION ITEM:**1. REDEVELOPMENT DISTRICT**

Booth – wants to get permission from the County for the redevelopment district before spending any more money on consultants. Council agrees.

ACTION ITEMS:**1. RENEWAL OF STORMWATER INTERLOCAL AGREEMENT WITH BREVARD COUNTY**

Booth – was going to ask Council to table this but the County has compromised and now Booth recommends approval. This will be effective for one year.

MOTION: Rivet/Dezman to approve the renewal for one year of the interlocal agreement. VOTE: All aye.

2. PURCHASE OF PUBLIC WORKS VEHICLE

Booth – this is to replace the Public Works vehicle. Eschenberg – what is the bottom line price? Booth - \$17,289.

MOTION: Vail/Rivet to approve. VOTE: All aye.

3. DEVELOPER RECREATION FEES

- Hans Kemmler, Chair Parks and Recreation – in April the Park Board was told to plan projects, they did this but now the projects are not being approved. Does not understand the process. Moccia – wants to see some of the developer recreation fees used for grant matching.

- Kemmler – the disk golfer group is still interested, they would like to use the EEL's property. Booth – the golfers could use the land across from the Fire Department. Moccia – would not want to see the area misused.

- Kemmler – we are still using Sheriff protection at Malabar Park. Dezman – she thought surveillance was approved by Council and by now it should be installed. Booth – there are some technical difficulties. Dezman – then it should have been brought back to Council. Kemmler – should have more information next meeting.

- Kemmler – we passed up the FRDAP grant this past year but there are some requests that are prevalent such as restrooms closer to the ball field and in Cameron Preserve. Also some wanted a concession stand and some did not. These will be pursued later.

- Kemmler – we are working on electricity for the trail head.

- Dezman – has anyone on the Park Board attended a grant writing class? Kemmler – no. Dezman – this should be done. Foley – has information he will disseminate.

REPORTS: MAYOR, COUNCIL

- Eschenberg – the school bus stop pads that he researched were about \$125. Moccia – what stops do we want to pad? Eschenberg – all stops should be looked at but there are some stops that will always be there and those should be considered first.

- Eschenberg – the other two history books came in that his wife discussed at the last meeting and they will donate to the town. He read an amusing story from one book regarding drainage problems.

- Vail – the first soccer game was Saturday and it turned out well. Foley – there is an ice machine at the Fire Department that can be used.
- Dezman – nothing at this time.
- Rivet – status of the Gentile case? Bohne – Gentile hired an attorney. Bohne filed discovery requests. Gentile has about a week to answer. Rivet – what about planting the trees that have died? Bohne – that would have to go back to the Special Master. Dezman – Gentile has never planted all the trees. Booth – will work on this.
- Rivet – lighting ordinance? Kabana – October 3rd at 7:00pm there is a workshop with P&Z.

PUBLIC COMMENTS: GENERAL ITEMS

- Bill Withers, Candy Lane – at 2155 Corey Road he thinks there is a culvert failure. Withers also notes that he shares Moccia's concerns regarding the use of the proposed park. Withers wants Council to consider soccer field use by kids only, the older children tear up the field.

- Withers – this morning there were 7 trucks, 2 trailers, and 1 boat in front of a house, he gave photos of this to Booth a few months ago. On Florence there is a tow truck parked in front yard. In district 4 there were four commercial vehicles in a front yard. He thinks this person also owns a lawn care business. Withers did not move to Malabar for it to become a blue-collar parking lot. Does not want to see the value of homes decrease due to this. Council has to make a decision about how many occupational licenses will be allowed in a single home, it is a tough decision but the citizens need to be protected. Moccia – feels the occupational licenses shouldn't be limited, it should be the number of trucks allowed to park. Eschenberg – the source of the problem is Palm Bay, their enforcement is so extreme that people park in Malabar. Dezman – feels some trucks are just parked here, there are no occupational licenses to go with them. Booth – the problem he has is that we don't have an ordinance to enforce the parking of vehicles. Rivet – we need to come up with something reasonable, one vehicle parked out front is fine, seven is not acceptable. Dezman – she needs more information regarding the current occupational licenses in town before she can make comments. Moccia – would like to see this on the second meeting in October. Rowan – sees a lot of these cars all around town and his concern is trying to move these vehicles during a fire. He notes that there is a 5,000 gallon tanker parked on the right-of-way on one road.

ADJOURNMENT

Meeting adjourned at 9:17 pm.

By: 
Chair Bobbi Moccia

ATTEST:


Susan Kabana, MMC
Town Clerk/Treasurer

DATE:

10/3/05